

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CYNTHIA J.,

Plaintiff,

vs.

FRANK BISIGNANO, Commissioner of Social
Security,

Defendant.

8:24CV253

ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation ([Filing No. 26](#)) recommending that the plaintiff's motion for an order reversing the Commissioner's decision ([Filing No. 14](#)) be granted and the Commissioner's motion for an order affirming the Commissioner's decision ([Filing No. 19](#)) be denied. Neither party has objected to the Findings and Recommendation. *See* NECivR 72.2(a).

28 U.S.C. § 636(b)(1) provides for de novo review of a Magistrate Judge's findings or recommendations only when a party objects to them. *Peretz v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. NECivR 72.2(f). The parties were expressly admonished that they had fourteen days to object and that that failing to object "may constitute a waiver of any objection." ([Filing No. 26 at 40](#)). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); *see also United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006).

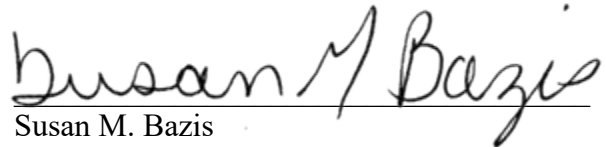
Accordingly, the Court will adopt the Magistrate Judge's Findings and Recommendations, and any objection is deemed waived.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation ([Filing No. 26](#)) is adopted.
2. The plaintiff's Motion for Order Reversing Decision of the Commissioner ([Filing No. 14](#)) is granted.
3. The Commissioner's Motion to Affirm Commissioner's Decision ([Filing No. 19](#)) is denied.
4. The Commissioner's decision is reversed and this case is remanded for further administrative proceedings consistent with the Magistrate Judge's Findings and Recommendation.
5. A separate judgment will be entered.

Dated this 25th day of August, 2025.

BY THE COURT:

A handwritten signature in black ink, reading "Susan M. Bazis", written over a horizontal line.

Susan M. Bazis
United States District Judge